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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/521,614

Applicant(s)

ASMUSSEN, MICHAEL L.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Abecassis and Cannon fail to teach buffering the video program in response to the detection of the occurrence of the incoming request for communications (response page14).

The examiner has relied upon newly cited U.S. Patent 6,757,906 to Look, to teach buffering in response to a pause command.

Applicant argues that there is not motivation to combine Abecassis and Cannon in that Abecassis is drawn to a non linear editing/VOD playback device, and Cannon is drawn to a cordless telephone which controls a VCR and the Examiner is using hindsight reconstruction. (response pages 16-17).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Abecassis and Cannon disclose a video devices (RAVIT and VCR) and audio communications devices (telephones). Both systems pause playback of a video program in response to incoming communications, with Cannon being relied upon for teaching an automatic pause feature. In particular, Cannon teaches that the automatic pause enables a television viewer to accept the incoming call without missing a portion of the movie and without requiring the viewer to rewind and/or search for the point of interruption after completing the telephone conversation (column 2, lines 57-65). Motivation to combine is not coming from applicant's own application but rather the Cannon reference. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to detect the occurrence of an incoming request and automatically pause the video as taught by Cannon, for the advantage of allowing a user to accept the incoming call without missing a portion of the movie.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8, 9, 12-14, 16, 19-26, 29, 30, 33-35, 37, 40-47, 50, 51, 54-56, 58, and 61-63, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 6,510,209 to Cannon and U.S. Patent 6,757,906 to Look.

Regarding claim 1, Abecassis discloses a method (figure 13) for automatically pausing a video program in response to an occurrence of an event, comprising:

receiving a video program (step 1301, figure 13) and outputting the video program for presentation on a display device;

detecting an occurrence of a communications event during the video program (acceptance of a communication, step 1311):

pausing the video program in response to the detection of the occurrence of the communications event (steps 1321-1323, column 52, lines 43-56);

and

outputting a signal for displaying an indication of the occurrence of the communications event (figures 14a/b, step 1341, displaying an incoming callers contact

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information and display of data relating to the incoming communication which may include data and images, column 52, lines 34-65).

Abecassis fails to disclose detecting an occurrence of an incoming request, pausing the video program in response to detecting the incoming request, and buffering the video program when paused.

Cannon discloses a telephone reception system in which a telephone communicates with a VCR or videodisc player, if a user is watching a movie stored on the VCR/videodisc player and receives a phone call, the caller ID is displayed on the user's television and the movie is automatically paused (column 2, lines 41-65), thus enabling a user to accept the incoming call without missing a portion of the movie.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to detect the occurrence of an incoming request and automatically pause the video as taught by Cannon, thus enabling a user to accept the incoming call without missing a portion of the movie.

The combination of Abecassis and Cannon fails to teach buffering the video program when paused.

Look discloses a personal video recorder, which buffers an incoming live video program in response to a pause command (column 9, line 38-column 10, line 16, lines 41-50), thus reducing the time it takes to restart a program when it is resumed and providing perfect synchronization (column 10, lines 49-50).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Cannon to buffer the incoming

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video in response to a pause command for the advantage of thus reducing the time it takes to restart a program when it is resumed and providing perfect synchronization.

Regarding claims 2-3, 23-24, and 44-45, Abecassis discloses detecting an incoming telephone number and displaying a telephone number associated with the incoming call (step 1310, column 51, line 51-63, column 52, 13-17, figure 14/a).

Regarding claims 4, 8, 9, 25, 29, 30, 46, 50, and 51, Abecassis discloses that the incoming communication may be a paging message (column 51, lines 22-24).

Regarding claims 5, 26, and 47, Abecassis discloses outputting a graphic associated with the caller's telephone number (column 53, line 57-column 54, line 3).

Regarding claims 12, 33, 54, Abecassis discloses that a user may issue a play command and the video resumes from the same point (column 53, lines 12-49).

Regarding claims 13, 14, 16, 34, 35, 37, 55, 56, and 58, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31)

Regarding claims 19-21, 40-42, and 61-63, Abecassis discloses that a communications from a caller may include a transmitted graphic, or may utilize a locally

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stored graphic, which is then displayed on the user's display (column 55-column 54, line 3).

Regarding claim 22, Abecassis discloses an apparatus (figure 5) for automatically pausing a video program in response to an occurrence of an event, comprising:

a receive module 502 for receiving a video program and outputting the video program for presentation on a display device (display processor 513, column 18, line 52-column 19, line 5, column 20, lines 40-48);

a detection module 500 (RAVIT) for detecting occurrence of a communications event during the video program (acceptance of an incoming call or message, column 52, lines 18-27);

a pause module for pausing the video program in response to the detection of the occurrence of the communications event (column 52, lines 25-42); and

an output module for outputting a signal for displaying an indication of the occurrence of the communications event (display processor 513, column 52, lines 51-56).

Abecassis fails to disclose detecting an occurrence of an incoming request, the request coming from other than a viewer of the video program, pausing the video program in response to detecting the incoming request, and a buffering module which buffers in response to the request.

Cannon discloses a telephone reception system in which a telephone communicates with a VCR or videodisc player, if a user is watching a movie stored on the VCR/videodisc player and receives a phone call, the caller ID is displayed on the user's television and the movie is automatically paused (column 2, lines 41-65), thus enabling a user to accept the incoming call without missing a portion of the movie.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to detect the occurrence of an incoming request from a party other than viewer and automatically pause the video as taught by Cannon, thus enabling a user to accept the incoming call without missing a portion of the movie.

The combination of Abecassis and Cannon fails to teach the use of a buffering module, which buffers the video program when paused.

Look discloses a personal video recorder, which buffers an incoming live video program in response to a pause command (column 9, line 38-column 10, line 16, lines 41-50), thus reducing the time it takes to restart a program when it is resumed and providing perfect synchronization (column 10, lines 49-50).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Cannon to buffer the incoming video in response to a pause command for the advantage of thus reducing the time it takes to restart a program when it is resumed and providing perfect synchronization.

Regarding claim 43, Abecassis discloses a computer program product comprising:

A computer readable medium containing instructions for controlling a computer system (column 2, lines 13-17) to perform a method for automating pausing a video program in response to an occurrence of an event (figure 13)

receiving a video program (step 1301, figure 13) and outputting the video program for presentation on a display device;

detecting an occurrence of a communications event during the video program (acceptance of a communication, step 1311):

pausing the video program in response to the detection of the occurrence of the communications event (steps 1321-1323, column 52, lines 43-56); and

outputting a signal for displaying an indication of the occurrence of the communications event (figures 14a/b, step 1341, displaying an incoming callers contact information and display of data relating to the incoming communication which may include data and images, column 52, lines 34-65).

Abecassis fails to disclose detecting an occurrence of an incoming request, the request coming from other than a viewer of the video program, pausing the video program in response to detecting the incoming request and buffering the video in response to the request.

Cannon discloses a telephone reception system in which a telephone communicates with a VCR or videodisc player, if a user is watching a movie stored on the VCR/videodisc player and receives a phone call, the caller ID is displayed on the user's television and the movie is automatically paused (column 2, lines 41-65), thus enabling a user to accept the incoming call without missing a portion of the movie.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to detect the occurrence of an incoming request from a party other than viewer and automatically pause the video as taught by Cannon, thus enabling a user to accept the incoming call without missing a portion of the movie.

The combination of Abecassis and Cannon fails to teach buffering the video program when paused.

Look discloses a personal video recorder, which buffers an incoming live video program in response to a pause command (column 9, line 38-column 10, line 16, lines 41-50), thus reducing the time it takes to restart a program when it is resumed and providing perfect synchronization (column 10, lines 49-50).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, and Cannon to buffer the incoming video in response to a pause command for the advantage of thus reducing the time it takes to restart a program when it is resumed and providing perfect synchronization.

3. Claims 6, 7, 27, 28, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 6,510,209 to Cannon and U.S. Patent 6,757,906 to Look in further view of the MSN Messenger Service (of record).

Regarding claims 6, 7 , 27, 28, 48, and 49, Abecassis discloses that the incoming communication may be in the form of paging, messaging or any digital transmission (column 51, lines 22-24).

The combination of Abecassis, Cannon and Look does not disclose detecting an incoming email message.

The MSN Messenger service automatically detects and notifies a user when they receive new messages in their email account and is integrated with a user's Outlook Express mail client, thus enabling a user to view an email message on their display device (entire document).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Cannon and Look to detect an email message and display a message as taught by MSN Messenger service thus enabling a user to respond to an urgent communication.

4. Claims 10-11, 31, 32, 52, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 6,510,209 to Cannon and U.S. Patent 6,757,906 to Look in further view of U.S. Patent 6,349,410 to Lortz (of record).

Regarding claims 10-11, 31, 32, 52, and 53, Abecassis discloses a video on demand system in figures 13-14b which uses a PCTV like device (figure 5, column 18, lines 33-51), in which a user may receive an incoming call or page, a user receives an indication for an incoming telephone call/page which includes caller ID information, text

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information or a graphic, if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video (column 51, lines 16-column 54, line 53).

The combination of Abecassis, Cannon and Look does not disclose detecting an incoming webpage and displaying it on a display device.

Lortz discloses a system which detects incoming web content, displays a notification to a user, a user then selects the web page for display, and the currently watched program is paused and recorded onto a hard drive (Figure 2, column 3, line 29-column 4, line 28).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Cannon and Look, to detect and display the incoming web page, as taught by Lortz, in order to enable a user to fully watch a program of interest without missing any portion of the broadcast.

5. Claims 15, 36, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 6,510,209 to Cannon and U.S. Patent 6,757,906 to Look in further view of U.S. Patent 6,543,053 to Li (of record).

Regarding claims 15, 36, and 57, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31).

The combination of Abecassis, Cannon and Look does not disclose the use of a slow motion signal.

Li discloses a VOD service, which enables VCR like functions including slow motion (column 8, lines 57-64) thus enabling a user to see more detail by viewing a image slowly.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Cannon and Look to utilize a slow motion signal as taught by Li thus enabling a user to watch a video and see much more detail.

6. Claims 17, 38 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 6,510,209 to Cannon and U.S. Patent 6,757,906 to Look in further view of U.S. Patent 6,052,508 to Mincy (of record).

Regarding claims 17, 38 and 59, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31).

The combination of Abecassis, Cannon and Look does not disclose the use of a frame back function.

Mincy discloses the use of a frame back key which enables a user watching a video clip to view the previous frame (column 19, lines 47-57) thus enabling a user to view a clip in higher detail by seeing the changes for each frame.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Cannon and Look to utilize a frame

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back function as taught by Mincy thus enabling a user to view a clip in higher detail by seeing the changes for each frame.

7. Claims 18, 39, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 6,510,209 to Cannon and U.S. Patent 6,757,906 to Look in further view of the ReplayTV manual (of record).

Regarding claims 18, 39, and 60, Abecassis discloses the use of a skip function (column 39, lines 53-58).

The combination of Abecassis, Cannon and Look does not disclose utilizing a jump signal to display a program from the current point of transmission.

The ReplayTV manual discloses the use of a button on a remote control that enables a user to return to a live broadcast after pausing, rewinding or stopping a video stream, thus enabling a user to skip unwatched portions of a video stream.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Cannon and Look to utilize a jump signal to return to live display as taught by ReplayTV, so that a user could skip unwanted portions of the video without having to watch it via a fast forward or segment jump command.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



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